

**Remarks**

The specification has been amended to make editorial changes therein to place the application in condition for allowance at the time of the next Official Action. The words in the title on page 1 of the specification are correctly spelled, but the Office may make changes deemed necessary.

The indication that claims 3-4 and 6-7 include patentable subject matter is acknowledged with thanks. In reliance thereon, claim 3 has been amended into independent form by adding the subject matter of claims 1 and 2 to claim 3 to place claims 3-4 and 6-7 in condition for allowance. Allowance of these claims is respectfully requested.

Claims 2-7 were rejected under §112, second paragraph, and have been amended as to form. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2 and 5 were rejected as anticipated by HARRY et al. 5,871,278. Claim 1 has been amended and reconsideration and withdrawal of the rejection are respectfully requested.

Amended claim 1 includes, among other patentable features, movable mechanical member (57) that is adapted to block the passage (43) for engagement of the mixing accessory (45) and to block the passage (26) for engagement of the beating accessory in a selective manner with respect to the passage (43) for engagement of the mixing accessory (45). As explained below, the

corresponding movable member in HARRY et al. does not block the passage for engagement of the mixing accessory and thus amended claim 1 avoids the rejection of record.

HARRY et al. disclose a strip 76 that has one end 78 that is fork-shaped (column 3, lines 15-29). When in the mixing position (using the mixer foot, for example), the end 78 engages the ejection member 51 to prevent emplacement of the whisks in their respective coupling devices (column 4, lines 11-18). The ejection member 51 is vertically displaceable between a lower position and an upper position under the action of the whisks 10 during their engagement into the passage 24. As mentioned on column 4, lines 11-18 in HARRY et al., as well as on page 2, lines 16-21 in the present application, the end 78 of the strip 76 clamps the ejection member 51 in the lower position, thereby preventing the emplacement of the whisks 10 when the mixing foot 38 is mounted in the apparatus. Thus, the safety strip 76 disclosed in HARRY et al. does not "block" the passage 24 for engagement of the whisks 10.

Moreover, in HARRY et al., the emplacement of the mixing foot 38 alone is executed following the clamping of the ejection member 51 in the lower position by means of the end 78 of the safety strip 76. Hence, it results that this emplacement of the mixing foot alone is dependent of the good operation of the movable ejection member 51. Thus, this ejection member 51

may have a failure; for instance, the ejection member may stay clamped in the upper position, so that the mixing foot 38 cannot be emplaced in the apparatus, thus rendering the safety strip 76 inoperative. Consequently, the safety strip 76 of HARRY et al. is not perfectly reliable.

New claims 8-9 are believed to be allowable because the art of record does not disclose the claimed member that is movable between a first position and a second position, where the member has a first portion that closes the first opening when the member is in the first position and a second portion that blocks access to the coupling devices through the second opening when the member is in the second position, for preventing simultaneous emplacement of the beating and mixing accessories. HARRY et al. do not disclose that the strip 76 closes the first opening. Further, as to claim 9, HARRY et al. do not disclose the claimed flat plate with a recess, where the flat plate closes the first opening when the member is in the first position and the recess is in registration with the first opening when the member is in the second position. Consideration and allowance of the new claims are respectfully requested.

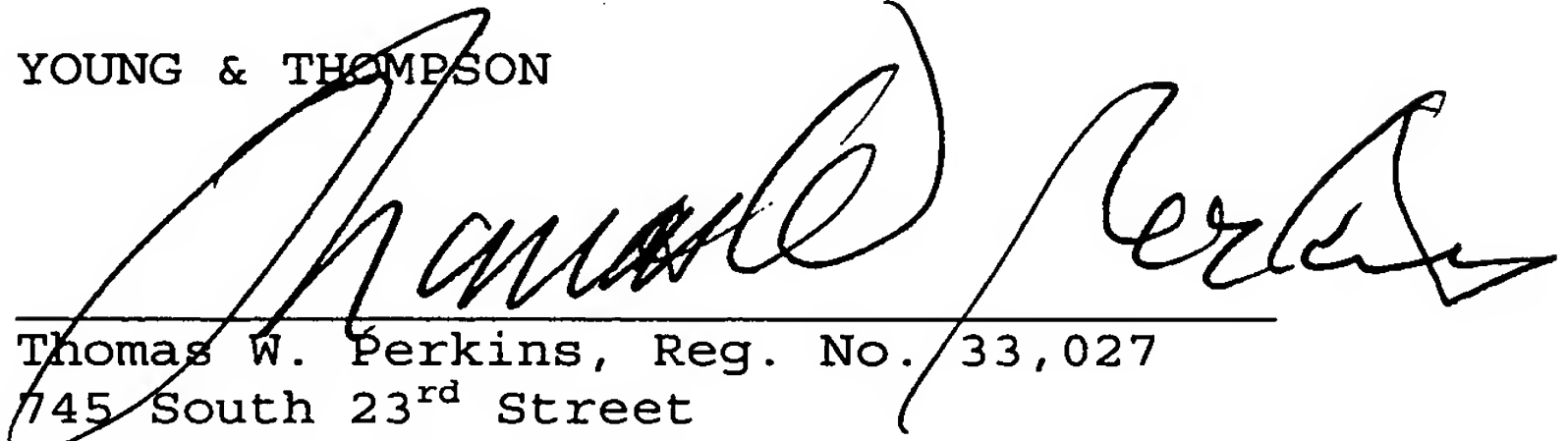
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Application No. 10/009,977  
Amdt. dated November 19, 2003  
Reply to Office Action of August 27, 2003  
Docket No. 0511-1014

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Thomas W. Perkins, Reg. No. 33,027  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

TWP/lrs